

REMARKS

Applicant has reviewed and considered the Office Action dated Dec. 10, 2002.

Claim 8 is amended.

Claims 8, 20 and 21 are rejected under 35 U.S.C. 103(a) as being anticipated by Moskowitz or Gautrot in view of Worrell. Applicant respectfully traverses the rejection for the following reasons.

Examiner pointed out " Both Moskowitz and Gautrot show the concept of having extending legs from the bottom of a pot.....", but Examiner did not pointed out what they are different. Clearly, While Examiner use the concept of ".....having extending legs from the bottom of a pot " to reject present invention, Examiner also rejected Moskowitz's invention because Moskowitz's invention has same concept as Examiner said, and US PTO should withdraw the patent which was issued to Moskowitz, include Shackelford because Shackelford (US 3,611,633)also claimed so.

In Applicant's opinion, the three inventions are all different even if the concept of "having extending legs from the bottom of a pot" is the same, the structures are all different. Please see the comparison as below:

| Structure of the leg | Moskowitz's | Gautrot's | present invention |
|--------------------------|-------------|-----------|-------------------|
| extending from | pot | pot | pot |
| side wall interconnected | <u>yes</u> | no | no |
| bottom wall | yes | <u>no</u> | yes |

Moskowitz does not disclosed the legs extending from the bottom wall of the pot separately. Moskowitz disclosed " Integrally extending from the bottom wall 18 is a pedestal 22 having three legs 24 arrayed in the sharp of a Y. the legs 24 of the pedestal


are hollow and thereby provide an interconnected chamber connecting with the hollow pot for dirt and plant roots to grow therein." (column 2, lines 43 to 48). Gautrot disclosed the legs extending from bottom of a pot separately without a bottom wall. In present invention, Applicant disclosed the legs extending from bottom of a pot separately with a bottom wall.

In this case, it is not necessary to cite Worrell's invention, because Moskowitz already pointed out that the pot with ventilation (numeral 20). " ventilation " is not a invention part in present application, all smart person will put vent holes on a pot, it's like that all pot having side wall. The argument point in this case is the structure of the legs.

In view of the above, it is respectfully submitted that the present application is in a condition for allowance. Reconsideration of the application and a favorable response are respectfully requested.

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Respectfully submitted

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